UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,216	12/29/1999	OLEG B. RASHKOVSKIY	INTL-0319-US	2005

7590 10/03/2003

TIMOTHY N TROP
TROP PRUNER HU & MILES PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER	
NALEVANKO, CHRISTOPHER R	

ART UNIT	PAPER NUMBER
2611	11

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/474,216	RASHKOVSKIY, OLEG B.	
	Examiner	Art Unit	
	Christopher R Nalevanko	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 31-59 directed to the same invention as that of claims 1-24 of commonly assigned Patent Application 09/196,262. The issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) of this single invention must be resolved.

Since the U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302), the assignee is required to state which entity is the prior inventor of the conflicting subject matter. A terminal disclaimer has no effect in this situation since the basis for refusing more than one patent is priority of invention under 35 U.S.C. 102(f) or (g) and not an extension of monopoly.

Failure to comply with this requirement will result in a holding of abandonment of this application.

Response to Arguments

1. Applicant's arguments with respect to claims 42 and 51 have been considered but are moot in view of the new ground(s) of rejection.

2. Regarding Claim 48 and 54, Applicant's arguments filed 09/02/2003 have been fully considered but they are not persuasive. Examiner admits that the reference does not show using a software system having storage, but this is the reason that Official Notice is cited. Also, Applicant makes no further remarks or arguments regarding the claims, therefore the rejection stands.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 42-44 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc in further view of Cragun et al.

Regarding Claim 42, De Saint Marc shows a method for monitoring one video transmission while a receiver is tuned to a second transmission and generating a notification when a predetermined score occurs during the one video transmission (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49). Furthermore, De Saint Marc shows that the notification of the score is generated from the receiver. The receiver receives an indication of a score from the head-end, which causes the receiver to generate a notification on the display (col. 9 lines 30-52). De Saint Marc fails to show monitoring another video transmission at the receiver. Cragun shows monitoring another video transmission at the receiver (col. 2 lines 48-67, col. 3 lines 1-8, col. 9 lines 45-63, col. 10 lines 45-50, col. 11 lines 46-59, col. 17 lines 24-48, see fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc with the ability to monitor video signals at the receiver, like in Cragun, in

order to remove some of the processing responsibility at the head-end. Furthermore, a predetermined score is any type of score occurring in a sporting game. The event that causes the score is predetermined before the start of every game. For example, it is predetermined that when a runner crosses home plate in baseball, a run is scored. Also, as in De Saint Marc, it is predetermined that when the soccer ball enters the net, a score has occurred.

Regarding Claim 43, De Saint Marc shows enabling the selection of the score for generating the notification (col. 2 lines 1-21, col. 8 lines 24-34). When the head-end sends the signal down to indicate a score, the head-end is enabling the selection of the score.

Regarding Claim 44, De Saint Marc provides a visual-on screen notification (col. 2 lines 1-21).

Regarding Claim 51, De Saint Marc shows a method for monitoring one video transmission while a receiver is tuned to a second transmission (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49). Also, De Saint Marc shows detecting the occurrence of an event in the course of the one video transmission (col. 2 lines 10-21) and providing a video segment from the video transmission for display in the course of the second video transmission (col. 8 lines 35-50, col. 9 lines 9-20, 30-52). De Saint Marc fails to show monitoring and detecting the occurrence of the events at the receiver. Cragun shows monitoring and detecting certain events at the receiver (col. 2 lines 48-67, col. 3 lines 1-8, col. 9 lines 45-63, col. 10 lines 45-50, col. 11 lines 46-59, col. 17 lines 24-48, see fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify De Saint Marc with the ability to monitor video signals at the receiver, like in Cragun, in order to remove some of the processing responsibility at the head-end. Furthermore, when the user switches to the channel that the goal has been scored, a video segment or that transmission is provided. Also, this segment is provided "in the course of the second video transmission," with regard to time. The video segment of the goal is being played in the course *of time* of the second video transmission. While the second video transmission is actually happening, the video segment, or goal, is being played to the user in the course of actual events, or the second video transmission. Furthermore, the claim does not recite displaying two video streams to the user concurrently, such as in picture-in-picture.

Regarding Claim 52, De Saint Marc shows providing a video segment of a portion of the video transmission proximate in time to the occurrence of the event (col. 3 lines 38-49, col. 7 lines 53-58, col. 8 lines 43-50, col. 9 lines 15-20).

Regarding Claim 53, De Saint Marc shows storing the video segment (col. 8 lines 1-4).

4. Claims 31, 33, 35, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc in further view of Lawler et al.

Regarding Claim 31, De Saint Marc shows a method for monitoring one video transmission while a receiver is tuned to a second transmission and generating a notification for an event (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49). De Saint Marc fails to show monitoring for a predetermined time associated with the one video

transmission and that the notification is generated based on that time. Lawler shows monitoring for a predetermined time associated with the video transmission and generating a notification based on that time (col. 2 lines 33-51, col. 3 lines 60-66, col. 11 lines 30-67, col. 12 lines 1-21, 45-63, col. 13 lines 7-16). Lawler shows the ability to monitor for the start time of a particular show and display when it will start. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of De Saint Marc with the time notice of Lawler so that the user would not miss favorite or frequently watched programs.

Regarding Claim 33, Lawler further shows automatically generating a notification at a given time interval (col. 12 lines 45-63).

Regarding Claim 35, De Saint Marc fails to show an article comprising a medium for storing instruction that execute a processor based system. Lawler does show a processor based system (col. 6 lines 5-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of De Saint Marc so that it was a processor based system, instead of monitored by an individual, in order to alleviate the cost and training that is required for a person to accomplish the job. Furthermore, a computer system would alleviate the possibility of human error. All other limitations of the claim are discussed with regards to Claim 31.

Regarding Claim 37, the limitations of the claim have been discussed with regards to Claim 33.

Regarding Claim 39, the limitations of the claim have been discussed with regards to Claim 35.

Regarding Claim 40, De Saint Marc shows that the system has a video receiver (col. 3 lines 10-32, col. 9 lines 30-52).

Regarding Claim 41, De Saint Marc shows that the system has a video transmitter (col. 7 lines 53-58, col. 8 lines 1-4).

5. Claims 45-50 and 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc.

Regarding Claim 45, De Saint Marc fails to show an article comprising a medium for storing instructions that enable a processor-based system to execute commands. All other limitations of the Claim have been discussed with regards to Claim 42. Official Notice is taken that it is well known and expected in the art to automate a manual system with a processor-based system that executes commands. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of De Saint Marc so that it was a processor based system, instead of monitored by an individual, in order to alleviate the cost and training that is required for a person to accomplish the job. Furthermore, a computer system would alleviate the possibility of human error.

Regarding Claim 46, the limitations of the claim have been discussed with regards to claim 43.

Regarding Claim 47, the limitations of the claim have been discussed with regards to claim 44.

Regarding Claim 48, De Saint Marc fails to show a processor and a storage couple to the processor storing instructions. All other limitations of the Claim have been discussed with regards to Claim 42. Official Notice is taken that it is well known and expected in the art to automate a manual system with a processor-based system, with storage containing instructions, that executes commands. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of De Saint Marc so that it was a processor based system, instead of monitored by an individual, in order to alleviate the cost and training that is required for a person to accomplish the job. Furthermore, a computer system would alleviate the possibility of human error.

Regarding Claim 49, De Saint Marc shows that the system has a video receiver (col. 3 lines 10-32, col. 9 lines 30-52).

Regarding Claim 50, De Saint Marc shows that the system has a video transmitter (col. 7 lines 53-58, col. 8 lines 1-4).

Regarding Claim 54, De Saint Marc shows monitoring one video transmission while a receiver is tuned to a second transmission (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49). Also, De Saint Marc shows detecting the occurrence of an event in the course of the one video transmission (col. 2 lines 10-21) and providing a video segment from the video transmission for display in the course of the second video transmission (col. 8 lines 35-50, col. 9 lines 9-20, 30-52). De Saint Marc fails to show an article comprising a medium storing instructions that execute a processor-based system. Official Notice is taken that it is well known and expected in the art to automate a manual system

with a processor-based system that executes commands. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc so that the system was controlled by a computer process to automate the functions in order to alleviate the need for human control.

Regarding Claim 55, the limitations of the claim have been discussed with regards to Claim 52.

Regarding Claim 56, the limitations of the claim have been discussed with regards to Claim 53.

Regarding Claim 57, the limitations of the claim have been discussed with regards to Claim 54.

Regarding Claim 58, the limitations of the claim have been discussed with regards to Claim 49.

Regarding Claim 59, the limitations of the claim have been discussed with regards to Claim 50.

6. Claims 32, 34, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc in further of view of Lawler and Morrison.

Regarding Claim 32, Both De Saint Marc (col. 2 lines 1-9) and Lawler (see fig. 9) show the ability to present a notification. Both De Saint Marc and Lawler fail to show monitoring the time remaining. Knudson shows keeping information, and thus monitoring, the remaining time of sports programming program (col. 10 lines 35-60, col. 11 lines 1-33). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify De Saint Marc and Lawler with the ability to monitor the time remaining of a program in order to inform the viewer of relevant program information.

Regarding Claim 34, Knudson further shows being able to display a notification of the end time of a sporting event, thus automatically providing a notification when a program will end in a predetermined amount of time (col. 11 lines 44-67, col. 12 lines 38-53, col. 14 lines 1-12, col. 15 lines 45-50, see fig. 7).

Regarding Claim 36, the limitations of the claim have been discussed with regards to Claim 32.

Regarding Claim 38, the limitations of the claim have been discussed with regards to Claim 34.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher Nalevanko
AU 2611
703-305-8093

cn
October 1, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600